



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/551,617

01/26/2007

Antonio Augusto De Miranda Grieco

3129-7489US

5913

24247

7590

10/03/2008

TRASK BRITT

P.O. BOX 2550

SALT LAKE CITY, UT 84110

EXAMINER

NDUBIZU, CHUKA CLEMENT

ART UNIT

PAPER NUMBER

3749

NOTIFICATION DATE

DELIVERY MODE

10/03/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOMail@traskbritt.com

Office Action Summary	Application No. 10/551,617	Applicant(s) DE MIRANDA GRIECO, ANTONIO AUGUSTO	
	Examiner CHUKA C. NDUBIZU	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on through January 26 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>073106</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: page 3 lines 13 “there” is used instead of “when”. Page 4 line 4 it is not clear what the phrase “pour opening to the propelling means” means. Page 9 line 19 “not” was used instead of “note”. Page 9 line 12 it is not clear what “entering getting “ means. Page 11 line 24 “ringing” was used instead of “rinsing” . Page 12 line 16 “conduit” should be replaced with “circuit”

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 11 recites that “valves are pumps”. The same statement is made on page 3 line 9 of the specification. Valves are not pumps. A correction is required in the specifications. Since valves are not pumps, Examiner could not guess what the applicant is claiming in claim 11, therefore it was not possible make a prior art rejection of claim 11.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Lamar 3,329,529. Lamar teaches the invention as claimed (figs 1-5), a self-cleaning assembly attachable to a kitchen-range 2, comprising, at least one first conduit 42 capable of connecting a drain opening (lower part of 43) in said kitchen-range to propelling means, and at least one second conduit 41, 37, 36 capable of connecting the propelling means 44 to a spraying assembly 47, 52 on the kitchen-range, so that the opening, the first conduit, the propelling means, the second conduit, the spraying assembly will form a cleaning circuit; a cleaning-element delivering valve 92 connecting an external source to said circuit, and a cleaning-liquid draining valve in pump 91 (column 4 lines 24-25) connecting the circuit to an external drain means; (claim 14) wherein the cooking top 3 is a part of a kitchen-range.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 2, 4-6, 8-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeung 6,895,957 in view of Rogers 3,059,632 and further in view of Clark et al 6,405,738. Yeung teaches the invention as claimed, (fig 1) a range hood cleaner comprising a first cleaning-element spraying assembly (fig 1), at least one surface of the latter being inclined with respect to the horizontal plane (column 4 lines 55-59), so the sprayed elements can flow into a drain opening 48 connected to a re-feeding circuit 47,66,20,40 for feeding cleaning elements back to said first spraying assembly 42; a cleaning-element delivering valve connecting an external source to said circuit, and a cleaning-element draining valve connecting the circuit to an external drain means (column 5 lines 28-29); and control means to open and close the valves, enabling the cleaning elements to get into and out of the cleaning circuit, and to turn on and off said valves, initiating and finishing the circulation of the cleaning elements in the circuit (column 5 lines 45-55); (claim 2) wherein the re-feeding circuit comprises at least one first conduit 47 connecting the drain opening 48 to propelling means 54, 30, and at least one second conduit 40 connecting the propelling means to the first spraying assembly 42; (claim 4) wherein the cleaning elements are cleaning liquids (column 6

Art Unit: 3749

lines 31-31); (claim 5) wherein the propelling means are a pump (column 4 line 14); (claim 6) wherein the cleaning-element delivering valve 35 is connected to the entrance of the pump 30 by means of a reservoir 20; (claim 8) wherein the spraying means consist of at least one spraying arm 42 and a sprayer (tip of 42); (claim 10) the control means comprise at least one from an electronic circuit and a timer (column 5 lines 45-50).

Yeung does not specifically disclose a kitchen range hood including a cook top. However it would be obvious to one of ordinary skill in the art that a kitchen range hood would have a standard cooktop below it which would have at least one surface, wherein at least one heating device and a support means, especially a grate, are arranged. Yeung does not teach a kitchen-range including a cover that can cover it at least partly; the kitchen-range further comprising, a first cleaning-element spraying assembly arranged in the cooking top; (claim 9) wherein the second openings include filters; (claim 12) wherein the first cleaning-element spraying assembly is arranged on said at least one surface of the cooking top (13) and/or at the cover of the kitchen-range.

Roger discloses a kitchen range comprising at least one surface 15, wherein at least one heating device 17, and a support means (fig 2), especially a grate, are arranged; the kitchen-range further including a cover 23 that can cover it at least partly.

Clark et al discloses a spray cleaning apparatus for a cooking device wherein a first cleaning-element spraying assembly 12 is arranged on surface of the cooking top.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yeung's cleaning assembly by including the limitations taught by

Art Unit: 3749

Roger and Clark and recited above in order to provide a cleaning system that is capable of cleaning the cooktop and the hood and thereby minimize cleaning costs.

With regard to claim 9, the Examiner takes official notice that it is old and well known that filters are installed at the entrance of drains like is done in a regular household kitchen sink in order to catch debris that may clog up the drain.

Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeung in view of Rogers and Clark and further in view of Lamar. Yeung in view of Rogers and Clark teaches the invention as claimed and as discussed above.

However, Yeung in view of Rogers and Clark does not teach a kitchen-range including an oven of the type that comprises a cooking chamber with heating devices, support means, especially grates, arranged in the chamber, and a cover to cover it, the oven comprising: a second cleaning-element spraying assembly arranged in the cooking chamber, the base surface of the latter being inclined, so that the sprayed elements can flow to a portion where the second drain opening is arranged; at least one third conduit connecting the second drain opening to the propelling means, and at least one fourth conduit connecting the propelling means to the second spraying assembly, so that the second opening, the third conduit, the propelling means, the fourth conduit, the second spraying conduit and the base surface will form a cleaning-element circuit; (claim 7) wherein the circuit comprises cleaning-element heating means.

Lamar discloses a kitchen range (fig 1 -5), including an oven 1 of the type that comprises a cooking chamber 35 with heating devices 52, 53, support means (column 3

Art Unit: 3749

line 67), especially grates, arranged in the chamber, and a cover 23 to cover it , the oven comprising: a cleaning-element spraying assembly 47, 39 arranged in the cooking chamber, the base surface of the tatter being inclined (see 43), so that the sprayed elements can flow to a portion where the drain opening (base of 43) is arranged; at least one conduit 42 connecting the drain opening to the propelling means 44, and at least one conduit 41 connecting the propelling means to the spraying assembly, so that the opening, the conduit, the propelling means, the conduit, the spraying conduit and the base surface will form a cleaning-element circuit (see fig 2); (claim 7) wherein the circuit comprises cleaning-element heating means 53 (column 4 lines 18-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yeung in view of Rogers and Clark's cleaning assembly by including the limitations taught by Lamar and recited above in order to provide a cleaning system that is capable of cleaning the cooktop, the oven and the hood and thereby minimize cleaning costs.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

Art Unit: 3749

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 13 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 17 of copending Application No. 11/450,253. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claims are directed to the same patentable invention. Both teach, a self-cleaning assembly attachable to a kitchen-range comprising, at least one first conduit capable of connecting a drain opening in said kitchen-range to propelling means, and at least one second conduit, capable of connecting the propelling means to a spraying assembly on the kitchen-range, so that the opening, the first conduit, the propelling means, the second conduit, the spraying assembly will form a cleaning circuit; a cleaning-element delivering valve (structure) connecting an external source to said circuit, and a cleaning-liquid draining valve (structure) connecting the circuit to an external drain means.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1,2, 4-10 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 4-10 of copending Application No. 11/450253 in view of Rogers 3,059,632. Claims 1,2, 4-10 in

Art Unit: 3749

both applications are directed to the same patentable inventions. Both teach a kitchen-range of the type that has a cooking top comprising at least one surface, wherein at least one heating device and a support means, are arranged; the kitchen-range being characterized by further comprising a first cleaning-element spraying assembly arranged in the cooking top at least one surface of the latter being inclined with respect to the horizontal plane, so the sprayed elements can flow into a drain opening connected to a re-feeding circuit for feeding cleaning elements back to said first spraying assembly; a cleaning-element delivering valve connecting an external source to said circuit, and a cleaning-element draining valve connecting the circuit to an external drain means; and control means to open and close the valves, enabling the cleaning elements to get into and out of the cleaning circuit, and to turn on and off said valves, initiating and finishing the circulation of the cleaning elements in the circuit; (claim 2) wherein the re-feeding circuit comprises at least one first conduit connecting the drain opening to propelling means, and at least one second conduit connecting the propelling means to the first spraying assembly. Both further teach, (claim 4) wherein the cleaning elements are cleaning liquids; (claim 5) wherein the propelling means are a pump; (claim 6) wherein the cleaning-element delivering valve is connected to the entrance of the pump by means of a reservoir; (claim 7) wherein the circuit comprises cleaning-element heating means; (claim 8) wherein the spraying means consist of at least one spraying arm and a sprayer; (claim 9) wherein the drain openings have filters; (claim 10) the control means comprise at least one from an electronic circuit and a timer.

Art Unit: 3749

Rogers discloses a kitchen range including a cover that covers the cooktop in order to provide a smooth counter top.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

The prior art made of record in the attached USPTO 892 and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUKA C. NDUBIZU whose telephone number is (571)272-6531. The examiner can normally be reached on Monday - Friday 8.30 - 4.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3749

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chuka C Ndubizu/
Examiner, Art Unit 3749

20080918

/Steven B. McAllister/
Supervisory Patent Examiner, Art Unit 3749